

MEDICAL LEAVE
(PRIMARY TEACHER)

Prepared By-
(শুভ তোজো মান্না)

No. 453-SE(Pry), dated 04.05.1999

NOTIFICATION

In exercise of the power conferred by Sub-section (1) of section 106 of the West Bengal Primary Education Act, 1973, (West Bengal Act XLIII of 1973) Governor is pleased hereby to make the following rules:-

RULES

1. Short Title

These rules may be called the **West Bengal Primary Education (Leave of Teacher of Primary Schools) Rules, 1999** and shall come into force with effect from the date of notification.

2. Extent of Application

These rules are applicable to all the teachers of the Non-Government Primary Schools under the administrative control of the Calcutta / Mahakuma / District Primary School Councils.

3. Definitions

In these rules, unless there is anything repugnant in the subject, or context –

(a) the 'Act' means the West Bengal Primary Education Act, 1973;

(b) 'Appointment' means appointment of teachers of Primary Schools in accordance with the provisions of the relevant Act and the Rules;

(c) 'Appropriate medical certificate' means a certificate granted by a Registered Medical Practitioner stating that he / she has examined the concerned teacher personally;

(d) 'Board' means the West Bengal Board of Primary Education established under the Act;

(e) 'Council' means Primary School Council established under the Act;

(f) 'Permanent Teacher' means a teacher who has completed two years of continuous and satisfactory service in the post in which he / she is appointed and confirmed against such post by the appointing authority or an Officer duly authorized in this behalf;

(g) 'Primary School' means a School or department of a School giving instruction in Primary School and includes junior basic school;

67

(h) 'Sanctioning Authority' means and includes the authorities for sanctioning leave as stated in the sub-rule (i) of 7 of these rules.

(i) 'Teacher' means a person who holds a teaching post in a Primary School appointed in the prescribed manner on a regular and full-time basis and is paid either wholly or in part under the control of the State Government in the School Education Department;

(j) 'Temporary Teacher' means a teacher who is appointed against a post but is not confirmed as a Permanent Teacher against such post.

(c) Compensatory leave – If a teacher under specific orders of the Primary School Council is detained for duties and prevented from availing himself / herself, either in full or in part, of the vacation, during which the Primary Schools remains closed, he / she shall be entitled to get leave on full pay for the number of days which is such proportion of 30 days as the number of days of vacation not taken leave to the full vacation of the year, subject to the conditions that such detention of the teacher and a copy of the order shall forthwith be forwarded to the Board, and that when such leave amounts to 240 days at the credit of permanent teacher, he / she shall cease to earn such leave.

(d) Half Pay Leave – A teacher may be granted half pay leave on appropriate medical certificate on the ground of his / her illness or private affairs not exceeding 30 days for each completed year of service:

Provided that no half pay leave shall granted for more than 180 days at a time.

(e) Commuted Leave – Commuted leave, not exceeding half the amount of half pay leave due, may be granted on medical ground on production of appropriate medical certificate or on the ground of private affairs subject to the conditions that –

68

(i) the commuted leave during the entire period of service shall be limited to the maximum of 180 days on full pay;

(ii) that twice the amount of commuted leave granted shall be debited against the half pay leave due; and

(iii) that the total duration of the commuted leave taken in conjunction with the compensatory leave in lieu of duty during vacation in terms of Clause (d) subject further to the conditions that

(A) no commuted leave under this Clause may be granted, unless the authority competent to sanction leave has reason to believe that the teacher will return to duty on its expiry, and

(B) a teacher on commuted leave is entitled to leave salary equal to twice the amount admissible to him under Clause (d) above.

(f) Leave on Medical Ground – A permanent teacher may be granted leave on medical ground on full pay for a period of 15 days for each completed year of service spent on duty on production of resuming charge:

Provided that the total period of such leave shall not exceed 180 days during the entire period of service;

Provided that the total period of such leave in conjunction with leave in terms of Clauses (c) and (d) shall not exceed the maximum limit as prescribed in Clause(d).

5. Teachers appointed on deputation

Teachers appointed on deputation against deputation vacancy or purely temporary basis are entitled to enjoy casual leave for a period of proportionate to their service in the relevant calendar year.

6. Prefixing or suffixing of holidays

Leave other than casual leave may be prefixed to Sundays / holidays / vacations, as the case may be, but intervening Sundays / holidays / vacation shall be counted along with the relevant leave.

7. Sanctioning Authority

(i) The concerned Sub-Inspector of Schools shall be the authority for sanctioning casual leave to teachers in Primary Schools maintained by the Council in the Districts. The Council shall be the authority for sanctioning other kinds of leave after considering the recommendations of the District Inspector of School (Primary Education) or an Officer authorized in this behalf, not below the rank of Sub-Inspector of Schools. The Council shall also make necessary acting arrangement.

(ii) A teacher shall submit leave application through the Head Teacher of his School while the Head Teachers shall leave application through the existing Managing Committee / Administrator of the School.

(iii) On leave application being submitted by a teacher, the Sub-Inspector of School concerned shall draw up the salary bill of teacher including the period of leave admissible and due to the teacher with leave statement in anticipation of the leave being sanctioned by the competent authority.

8. Miscellaneous

(i) No kind of leave except casual leave and medical leave can be availed without written application and previous sanction by the competent authority except under very exceptional circumstances which should be explained in writing to the satisfaction of the leave sanctioning authority. The application of casual leave, where previous sanction have not been obtained, must, however be submitted as early as possible and in any case, not later than the date of resuming the duties. In case of medical leave exceeding 7 (seven) days, for which no prior applications has been made and a sanction obtained, the intimation of absence must be communicated to the leave sanctioning authority through proper channel with appropriate medical certificate if there is delay submitting leave application in proper manner.

(ii) Any kind of leave except casual leave and compensatory leave, may be granted in combination with or in continuation of any other kind of leave, subject to such limits, as stated.

(iii) Leave cannot be claimed as right and the sanctioning authority reserves the right to refuse or revoke leave of any description, if, in the opinion of the authority, the exigencies of the circumstances so demand.

9. Rule 24, Rule 25 and Rule 26 under chapter IV of the Rules regulating the Recruitment and Leave of Teachers in the Primary Schools in West Bengal as published in the Notification No. 768 Edn.(P), dated 22nd November, 1991 by the Government of West Bengal, Education Department, Primary Branch are hereby repealed.

By order of the Governor

Sd/- Nikhilesh Das
Secretary to the Govt. of West Bengal